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## Introduction.

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IN every civilised Staté the problem of poverty is one which presses for solution. In some European countries it has, at times, locally assumed a critical and menacing form, threatening the very foundations upon which society is based. Revolutions have sprung from the fact that people needed food and could not obtain it; and, even in our own "highly favored" land, honest, industrious men are often driven to despair because they can neither get work nor food.

Occasional outbreaks and demonstrations, however, are by no means the true measure of national poverty. Beneath the glittering surface of society there lies a seething mass of want and misery. The victims suffer in silence and make no sign, but their existence constitutes a permanent danger to the general welfare. Destitution is in numberless instances the parent of crime and prostitution, with their chain of disastrous consequences; overcrowding, semi-starvation and squalor are the fruitful sources of disease which scruples not to travel beyond its birthplace and to infect the homes of the wealthy. Modern society may be fitly compared to a magnificent palace reared in a miasmatic swamp, which fills the air with its death-dealing exhalations. No cunning artifices of builders or engineers can afford protection in such a case. In like manner, society cannot hope to escape from the influences which make for corruption and ultimate dissolution whilst it suffers poverty to remain in its midst.

It is, indeed, unnecessary to insist upon the evils and the national dangers arising from poverty; for they are admitted upon all hands. The problem is: How can

*poverty be abolished?* Upon this vital point opinions differ widely. The evil is so complex and many-sided that observers are apt to be misled by a partial view of the symptoms. For example, a total abstainer, concentrating his attention upon instances in which poverty has been brought about by excessive indulgence in alcoholic liquors, urges that drink is the "cause of poverty." The Socialist asks "Why are the many poor?" and answers that the remedy consists in the nationalisation of land and the instruments of production, the abolition of competition, etc. Others attribute the existence of poverty to idleness or to want of thrift amongst the workers. In no case, however, is the alleged cause equal to the palpable effect; and it is necessary to extend the enquiry in another direction if we are to discover the cause which, above and beyond all others, produces the want and misery that everybody desires to remove.

The purpose of this little work is, first, to show that an *excessive increase of population* is the source from which these evils arise. In the second place, the means by which population may be kept under control will be explained, for it is useless to warn people of a danger if they are kept in ignorance of the means by which it may be avoided. Above all, it is to the *poor* that this knowledge must be conveyed, for, as we shall show in the following pages, the indigent class multiplies far more rapidly than the well-to-do, and it is upon themselves that the consequent misery necessarily falls.

Experience teaches that almost all the ills which afflict mankind can be obviated by a careful study of nature and by conduct based upon due observance of natural laws. In the darkness of ignorance men must stumble into many pitfalls; but in the clear light of reason and knowledge they can discern the path which leads to *freedom and happiness*.

# The Malthusian Handbook.

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## CHAPTER I.

### MALTHUS AND THE LAW OF POPULATION.

IF it be desired to discover a remedy for an admitted evil, the first step must necessarily be to ascertain its *cause*. All schemes for the mitigation of the *effects* of poverty must in the long run end in failure, no matter how ambitious may be the undertakings of those who engage in this futile work. The captain of a sinking vessel does not confine his attention to the pumps, he seeks without delay to stop the inrush of water. And in dealing with the question of poverty it is essential that its root-cause be discovered before any hope of arriving at a solution of the problem can reasonably be entertained.

An enquiry into the facts of nature will show that all forms of vegetable and animal life are capable of reproducing themselves in almost boundless profusion. Darwin, in his work on *The Origin of Species*, points this out with the greatest clearness. He says: "There is no exception to the rule that every organic being naturally increases at so high a rate that, if not destroyed, the earth would soon be covered with the progeny of a single pair. Even slow-breeding man has doubled in twenty-five years; and at this rate, in a few thousand years, there would literally not be standing-room for his progeny. Linnæus has calculated that if an annual plant produced only two seeds—and there is no plant so unproductive as this—and their seedlings next year produced two, and so on, then, in twenty years there would be a million plants." After giving the example of the slow-breeding elephant, he continues: "Still more striking is the evidence from our domestic animals of many



kinds which have run wild in many parts of the world ; if the statements of the rate of increase of slow-breeding cattle and horses in South America, and latterly in Australia, had not been well authenticated, they would have been incredible. So it is with plants : cases could be given of introduced plants which have become common throughout whole islands in less than ten years. Several of the plants, such as the cardoon and a tall thistle, now most numerous over the wild plains of La Plata, clothing square leagues of surface almost to the exclusion of all other plants, have been introduced from Europe ; and there are plants which now range in India, as I hear from Dr. Falconer, from Cape Comorin to the Himalayas, which have been imported from America since its discovery. In such cases, and endless instances could be given, no one supposes that the fertility of these animals or plants has been suddenly and temporarily increased in any sensible degree. The obvious explanation is that the conditions of life have been very favorable, and that there has consequently been less destruction of the old and young, and that nearly all the young have been able to breed. In such cases, the geometrical rate of increase, the result of which never fails to be surprising, simply explains the extraordinarily rapid increase and wide diffusion of naturalised productions in their new homes. In a state of nature, almost every plant produces seed, and among animals there are very few that do not annually pair. Hence we may confidently assert that all plants and animals are tending to increase at a geometrical ratio ; that all would most rapidly stock every station in which they could anyhow exist, and that the *geometrical tendency* to increase must be checked by destruction at some period of life."

It was the observation of this striking fact in nature which led an English clergyman, the Rev. Thomas R. Malthus, to study deeply the question of poverty, and to formulate as "the principle of population" that which is now almost universally regarded as a *law* of nature. Before he published his great work the view was generally accepted that the wealth of a country was in proportion to its population ; and statesmen frequently *attempted to stimulate*, by the distribution of bounties *to the parents* of excessively large families, the natural

rate of increase. A few far-sighted men, such as the elder Mirabeau, Quesnay, and Adam Smith, partially perceived the true doctrine; but it remained for Malthus to examine the question in all its bearings, and to collect patiently and laboriously an overwhelming array of facts which established his contention beyond all reasonable doubt. It will be well here to give some account of this remarkable man and of the work with which his name is indissolubly associated.

Thomas Robert Malthus was born at Dorking, Surrey, in 1766. At the age of thirty-one he became a Fellow of Jesus College, Cambridge, and shortly afterwards took orders, officiating in a small village in Surrey.

In the closing years of the eighteenth century, the minds of men in England were powerfully influenced by the great social upheaval taking place in France, and political views in this country were entering upon a new phase. The rights of man were coming to be regarded as something more than a phrase, and a generous desire to promote the welfare of the people was gradually taking the place of selfish indifference. Condorcet in France, and William Godwin in England, promulgated the view that the happiness of mankind depended chiefly upon the justice of political institutions, and that national welfare could be indefinitely promoted by just government. Daniel Malthus (the father of Thomas Robert), a man of sanguine and romantic temperament, warmly espoused the ideas set forth by Godwin, and frequently discussed the subject with his son. The younger man, however, by no means shared the paternal enthusiasm, and, following the lines suggested by Hume, Adam Smith, and other writers, he maintained that vice and misery were two powerful obstacles to the improvement of society, and urged, further, that the tendency of mankind to increase more rapidly than the means of subsistence gave rise to these evils. His arguments made a deep impression upon the mind of Daniel Malthus, who requested his son to put them in writing. This was accordingly done, and in 1798 T. R. Malthus published the first edition of his work: *An Essay on the Principle of Population, as it affects the future Improvement of Society; with Remarks on the Speculations of Mr. Godwin, Mr. Condorcet and other Writers.* (London: 1798. One volume.)

This book aroused a lively controversy, the writer's theories and conclusions being attacked and defended by various writers. The great interest excited by his essay caused Malthus to enquire still more deeply into the phenomena of poverty, and he determined to travel through Europe for the purpose of collecting facts bearing upon the subject. In 1799 he visited the continent, passing through Denmark, Sweden, and part of Russia, and, later, Switzerland and Savoy. The results of his researches furnished overwhelming proof of the accuracy of his contention; and in 1803 he published a second and much enlarged edition of his *Essay*, in two volumes. During the remainder of his life, Malthus thrice edited new editions of his work, which to this day remains the greatest monument of his honorable career. He died on 29th December, 1834.

It is not intended here to give an exhaustive analysis of Malthus's *Principle of Population*.\* We are concerned only with his theory of population and the conclusions to which that theory points. "The principal object of this essay," says the author, "is to examine the effects of one great cause intimately connected with the very nature of man, which, though it has been constantly and powerfully operating since the commencement of society, has been little noticed by the writers who have treated this subject. The cause to which I allude is the constant tendency in all animated life to increase beyond the nourishment prepared for it.

"Dr. Franklin has observed that there is no bound to the prolific nature of plants or animals but what is made by their crowding and interfering with each other's means of subsistence. Were the face of the earth, he says, vacant of other plants, it might be gradually sowed and overspread with one kind only—as, for instance, with fennel; and were it empty of other inhabitants, it might in a few ages be replenished from one nation only, as, for instance, with Englishmen.

"This is incontrovertibly true. Through the animal and vegetable kingdoms Nature has scattered the seeds of life abroad with the most profuse and liberal hand;

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\* This has already been admirably done in two pamphlets by Dr. C. R. Drysdale, President of the Malthusian League: (1) *The Life and Writings of Malthus*; (2) *The Population Question*.



but has been comparatively sparing in the room and the nourishment necessary to rear them. The germs of existence contained in this earth, if they could freely develop themselves, would fill millions of worlds in the course of a few thousand years. Necessity, that imperious, all-pervading law of Nature, restrains them within the prescribed bounds. The race of plants and the race of animals shrink under this great restrictive law, and man cannot by any efforts of reason escape from it.

"In plants and irrational animals the view of the subject is simple. They are all impelled by a powerful instinct to the increase of their species, and this instinct is interrupted by no doubts about providing for their offspring. Wherever, therefore, there is liberty, the power of increase is exerted; and the superabundant effects are repressed afterwards by want of room and nourishment."

Malthus then adduces evidence of the extremely rapid increase of population amongst mankind under conditions in which food is abundant and easily obtainable. He calculates that population, if unchecked, goes on doubling itself every twenty-five years, or increases in a geometrical ratio. But he points out that the food supply can by no means be increased with equal facility. Even if it were possible in one period of twenty-five years to double the amount produced, there is no reason to suppose that the operation could be repeated during the following twenty-five years. As the demand for food increased, less fruitful soils would be taken into cultivation, and the additions that could be made to the former average produce would be gradually and regularly diminishing. Malthus then makes the following calculation:

"Let us suppose that the yearly additions which might be made to the former average produce, instead of decreasing, which they certainly would do, were to remain the same; and that the produce of this island might be increased every twenty-five years, by a quantity equal to what it at present produces. The most enthusiastic speculator cannot suppose a greater increase than this. In a few centuries it would make every acre in the island like a garden.

"If this supposition be applied to the whole earth, and if it be allowed that the subsistence for man, which the earth affords, might be increased every twenty-five years

by a quantity equal to what it at present produces, this will be supposing a rate of increase much greater than we can imagine that any possible exertions of mankind could make it.

"It may fairly be pronounced, therefore, that considering the present average state of the earth, the means of subsistence, under circumstances the most favorable to human industry, could not possibly be made to increase faster than in an arithmetical ratio.

"The necessary effects of these two different rates of increase, when brought together, will be very striking. Let us call the population of this island 11,000,000 (Mr. Malthus writes in 1806), and suppose the present produce equal to the easy support of such a number. In the first twenty-five years the population would be 22,000,000, and the food being also doubled, the means of subsistence would be equal to this increase. In the next twenty-five years the population would be 44,000,000, and the means of subsistence only equal to the support of 33,000,000. In the next period the population would be 88,000,000, and the means of subsistence just equal to the support of half that number. And at the conclusion of the first century, the population would be 176,000,000, and the means of subsistence only equal to the support of 55,000,000, leaving a population of 121,000,000 totally unprovided for."

Now let us see how this stupendous *possible* power of increase in the human race has been kept in check.

The *positive* checks (*i.e.*, checks which have operated through the action of natural laws) to an excessive increase of population comprehend the premature death of children and adults by disease, starvation, war and infanticide. Nature has a short and sharp way of dealing with her superfluous children. Amongst savage tribes the positive checks alone are brought into operation. The pages of human history teem with tragic records of famines decimating the unhappy victims of over-population; of pestilence stalking through the land, slaying its tens of thousands; of wars devastating countries and overwhelming the inhabitants in ruin, misery and death. In certain parts of the world the pangs of hunger have *destroyed* in men and women the primal instinct of parental love; and, in the fifth chapter of his work, Malthus shows

how, in the South Sea Islands, where the possible expansion of population was extremely small, the frightful expedient of infanticide was largely resorted to by the inhabitants to check their natural increase. Even then, however, the pressure on the means of subsistence was so great that food became scarce at certain seasons of the year, and destructive wars ensued. Captain Vancouver, visiting Otaheite for the second time in 1791, found that most of the natives whom he had known fourteen years before had perished in battle.

In the course of numerous examples of the effects of over-population upon the condition of the masses in various countries, Malthus gives a striking example of the appalling misery to which even industrious laborers were reduced in densely-peopled China. He quotes the words of a Jesuit missionary, who stated that a Chinaman "will pass whole days in digging the earth, sometimes up to his knees in water, and in the evening is happy to eat a little spoonful of rice, and to drink the insipid water in which it is boiled." This is obviously an exaggeration, since it would be impossible to maintain life under such conditions; but it serves to show the deplorable state to which the workers may be reduced by excessive population.

It is unnecessary here to follow Malthus through his exhaustive survey of the condition of nations affected by over-population in various stages of the world's history. Our purpose is rather to furnish an indication of the principle than to reproduce in detail the observations upon which it is based. The most concise formula in which the theory of Malthus has been expressed is as follows: "*That population has a constant tendency to increase beyond the means of subsistence.*"

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## CHAPTER II.

### THE REMEDY: OLD AND NEW.

THE principle stated at the end of the preceding chapter being assumed, the question arises: How can the evils caused by the constant tendency towards over-population be prevented? The method which Mr. Malthus



proposed was the substitution of the *prudential* (or birth-restricting) for the *positive* (or life-destroying) check. He advised late marriage and celibacy as the most moral means of restraining population. He urged that men should wait until they were in a position to provide for a family before undertaking the responsibilities consequent upon the marriage state. He says: "Our obligation not to marry till we have a fair prospect of being able to support our children will appear to deserve the attention of the moralist, if it can be proved that an attention to these obligations is of more effect in the prevention of misery than all the other virtues combined ; and that if, in violation of this duty, it was the general custom to follow the first impulse of nature, and marry at the age of puberty, the universal prevalence of every known virtue in the greatest conceivable degree would fail of rescuing society from the most wretched and deplorable state of want, and all the diseases and famines which usually accompany it."

This, then, was the prudential check advocated by Malthus ; but since his time it has been perceived that his remedy is in itself the cause of evils scarcely less terrible than those which it was designed to remove. Further, it is one which, in the vast majority of cases, could not possibly be put into practice ; for it assumes a power of mental control over the sexual passion which exists in a comparatively small number of individuals.

The physiological evils arising from celibacy, and, in lesser degree, from prolonged abstention from marriage, are of the most disastrous nature. Celibacy is necessarily a condition of privation and suffering, since it involves the deliberate and incessant suppression of the most powerful instinct of mankind. The pure and elevating joys of wedded and family life are shut out, and existence is shorn of its most delightful features. The unselfish pleasure of promoting the happiness of a loved wife and children is denied to the morbid and gloomy celibate, doomed to a solitary and cheerless existence. And even when permanent celibacy is not contemplated, marriage may be deferred until the bloom and brightness of life are gone for ever, until delay and *disappointment* have soured the temper and choked the *fountain of affection*.

Dr. Bertillon, of Paris, has proved conclusively by statistics derived from France, Holland and Belgium, that married persons, especially males, live much longer than single ones, and are less liable to become insane, criminal, or vicious. It has been shown that the married state reduces the danger of insanity by nearly one-half. With regard to the effects of celibacy upon individuals, Dr. Holmes Coote is reported in the *Lancet* to have said: "No doubt incontinence is a great sin; but the evils connected with continence are productive of far greater misery to society. Any person could bear witness to this who has had experience in the wards of lunatic asylums."

In addition to the personal ills arising from celibacy, it must be remembered that late marriage directly encourages *prostitution*, the most hideous blot upon our social state. Malthus, indeed, laid great stress upon the *duty* of chastity whilst young men were engaged in accumulating the means to enable them to marry and rear a family later in life. He might as fitly have preached to the whirlwind, or exhorted the storm to moderate its violence. The power of restraint is given to but few men; and, even when that restraint can be exercised, it is only at the cost of much suffering and physical and moral detriment.

The later school of thinkers, whilst adopting the principle formulated by Malthus, propound an infinitely better method of compassing the end which he had in view. They advocate *early marriage and limited families*. It is not necessary that young men and women should sacrifice the youth and freshness of their lives in order that they may marry when the evening shadows are lengthening around them. The blessings of domestic comfort, of intimate companionship and of family love are opened to them in the noontide of life, when the possibility of enjoyment is at its highest point. Mrs. Annie Besant says: "To be in harmony with nature, men and women should be husbands and wives, fathers and mothers, and until nature evolves a neuter sex celibacy will ever be a mark of imperfection. . . No one who desires society to be happy and healthy should recommend late marriage as a cure for the social evils around us. Early marriage is best, both physically and morally; it guards purity, softens the affections, trains the heart, and preserves



physical health ; it teaches thought for others, gentleness and self-control ; it makes men gentler and women braver from the contact of their differing natures. The children that spring from such marriages—where not following each other too rapidly—are more vigorous and healthy than those of middle-aged parents ; and in the ordinary course of nature the parents of such children live long enough to see them make their start in life, to aid, strengthen, and counsel them at the beginning of their career."

Medical science has shown that the size of families is absolutely under the control of parents, if they will but exercise a reasonable degree of care and forethought. A young couple may now enter the marriage-state without misgiving : for the number of their offspring can be regulated in proportion to their means as surely as they can determine the amount of their expenditure upon clothing or luxuries.

Thus the teachings of Malthusianism, combined with the later development of innocent prudential checks, open up boundless possibilities for the improvement of social conditions. When the law of population—a law of nature—is clearly understood, it becomes possible for man, by the exercise of his reason, to control its operation, just as he constructs dykes to protect his crops from floods, or diverts the lightning harmlessly into the ground.

Let us see, then, how the general adoption of the New-Malthusian principle of early marriage and limited families would affect the welfare of individuals and of the nation at large.

The knowledge of prudential checks immensely increases the possibility of happiness for every man and woman whose means are "limited." Marriage ceases to be a hazardous enterprise, which may bring in its train liabilities terribly out of proportion to the power of meeting them. The husband is relieved from anxiety lest his children may increase whilst his ability to provide suitably for them remains a fixed, or even diminishing, quantity. The wife need no longer dread the burden of continual child-bearing and the incessant servitude of domestic drudgery. How much of the drunkenness that *exists amongst the working-class* is due to the discomfort

of a crowded and cheerless home ! The husband, wearied with his day's toil, returns to his narrow lodgings to find his wife, harassed and soured by the petty cares of a large family, sharp in temper and tongue. The tender romance of courtship is dispelled by the never-ending round of household slavery, with the constant need of "making both ends meet," of contriving that every sixpence shall do the work of a shilling. And over all there hangs the haunting fear that sickness or loss of employment may disable the bread-winner, and that the wolf of hunger, ever waiting outside, may show his fangs within the door. Little cause is there for wonder that in many cases the sweetheart of happier days becomes a shrew and slattern, or that the toil-worn husband flies to the ruinous joys of the tap-room in a vain attempt to escape from the vexations that surround him in his "home."

And what of the children ? They are at once the innocent cause and the helpless victims of the misery that encompasses them. The wage that would amply provide for two or three is inadequate for the proper support of seven or eight, and their little frames suffer from insufficient nourishment. The overburdened mother cannot bestow upon so large a flock the loving care and attention that children need for their proper physical and mental development. Thus they grow up (if haply they survive), enfeebled in mind and constitution, transmitting to the next generation their own defects in an aggravated form.

It is amongst the very poorest of our fellow-creatures that we see the horrors of over-population in their most heartrending aspect. In the squalid courts and alleys of our great cities the dismal stream of child-life is constantly at high-water mark. The parents, ignorant and hopeless, callous by reason of their daily contact with misery, "increase and multiply" instinctively, as do the beasts of the field. Amongst the poor the birth-rate is (broadly speaking) double as high as that of the richer classes. A few years ago the birth-rate in wealthy Kensington was 20 per 1,000 ; in the poor district of Bethnal Green it was 40 per 1,000. This deplorable state of things is not peculiar to Great Britain : it prevails, with slight variations as to details, in all so-called civilised countries.

But the birth-rate tells only one-half of the piteous tale: it is the *death-rate* which completes the measure of human suffering caused by the insensate increase of population. In the course of his address to the Association of Sanitary Inspectors in 1888, Sir Edwin Chadwick stated that amongst the gentry and professional persons the deaths of children under five years of age in Brighton formed 8.93 per cent. of the total deaths, while among the wage-earning class they formed 45.44 per cent. He also said that in Brighton the mean (or average) age at death for wage-earners is 28.8 years; for the rich it is 63 years. Dr. Playfair has shown that 18 per cent. of the children of the upper class, 36 per cent. of those of the tradesman class, and 55 per cent. of those of the workmen die before they reach the age of five years.

Here we see the painful *positive* or natural checks to population at work in our very midst. Death stands with his sword and ruthlessly strikes out the redundant lives. What pen can picture the frightful suffering indicated by the figures given above? The mother's pangs of child-birth: her protracted agony of grief as she watches the ravages of disease upon the weakly frame of her ill-fed, ill-clothed, ill-tended babe: the last dread scene when death releases from its misery the child that should never have been called into existence! This squalid tragedy is enacted a thousand times; and the upshot of it all is five hundred little coffins hastily thrust into the earth.

And what of those that survive? Here and there one may rise above his fellows in the struggle for existence; but the vast majority of those who pass through the valley of the shadow of death emerge into a laborious and joyless existence. Of the males a section will drift into pauperism or crime; many of the females will be driven by want to the shameful traffic of prostitution. The honest and industrious are doomed to a life of incessant toil and privation; and with their numerous offspring will begin another cycle of the obscure tragedy.

In this way, the nation ever renews within itself the elements of its own weakness and despair. The question of the unemployed is ultimately a question of over-population; and wages are reduced by the competition, *one against another*, of desperate men seeking bread for

their wives and families. Trade Unions and other forms of combination may partially and temporarily improve the condition of a section of the workers ; but in the long run every advance in comfort is overtaken and swallowed up by the increase of population stimulated by prosperity.

Thus, unless the teachings of New-Malthusianism be generally acted upon, poverty will remain a permanent feature of society ; and, as we have already said, the element of poverty is a constant menace to the community at large. The strength of a chain is that of its weakest link. The wealth, luxury, and refinement of society exist upon a frail tenure if the desperation of the poorest class is suffered to pass a certain limit. History has shown us the civilisation of centuries extinguished by hordes of barbarians, driven by hunger from their sterile lands. In Paris, during times of revolutionary excitement, the Faubourg St. Antoine pours forth its thousands of gaunt and tattered spectres to make war upon society.

Prudence in the matter of population, then, is seen to be the only way of conserving the most valuable and progressive elements in human society. In this, as in other countries, the apostles of the new teaching have been confronted by the prejudices handed down from previous generations ; and in the succeeding chapter we shall trace the history of the Malthusian movement in England and abroad.

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### CHAPTER III.

#### THE MALTHUSIAN MOVEMENT IN ENGLAND.

FOR many years after the publication of Mr. Malthus's great essay, the principle which he had formulated did not pass beyond the region of more or less academic controversy. The "theory of population" was denounced from countless pulpits and assailed by the pens of ready writers ; but, being based upon a patient and accurate observation of the facts of nature, it remained unshaken when the preachers and critics were forgotten.

It would be absurd to doubt that so important a contribution to social science influenced the minds and helped to shape the conduct of thoughtful men ; but it is beyond

question that no organised attempt to popularise and propagate the teachings of Malthus, and to make known the nature of preventive checks amongst the people of this country, was undertaken until the year 1877. In the first quarter of the century, Richard Carlile published a small pamphlet on the subject; but there is no reason to suppose that its effect was appreciable. Mr. Francis Place and Mr. Robert Dale Owen in later years wrote essays embodying practically the modern Malthusian view.

In 1833, Dr. Charles Knowlton, of Boston (U.S.A.), issued a small work on the subject of population, entitled *The Fruits of Philosophy*. For over forty years the book was sold in England, but its sale was so small that very few people were even acquainted with its title, and it remained in its native obscurity until it was dragged into the light of day by the fortunate folly of persons who imagined that it was possible to check the spread of moral enlightenment by means of legal "repression."

In 1876 a police prosecution was instituted against a man in Bristol for selling *The Fruits of Philosophy*, and a conviction was obtained. In the following year the publisher of the pamphlet was also indicted and committed for trial; but he was liberated on promising that he would no longer issue the work. Mr. Charles Bradlaugh and Mrs. Annie Besant thereupon undertook the task of defending the right of publication. They reprinted and published the pamphlet, formally inviting the authorities to prosecute them. "It was for the sake of free discussion that we published the assailed pamphlet when its former seller yielded to the pressure put upon him by the police; it was not so much in defence of this pamphlet, as to make the way possible for others dealing with the same topic that we risked the penalty which has fallen upon us."\*

The police authorities accepted the challenge, and a prosecution was immediately commenced. The trial, which lasted four days, took place in the Court of Queen's Bench, before Lord Chief Justice Cockburn and a special jury. Sir Hardinge Gifford (then Solicitor-General), Mr. Douglas Straight and Mr. Mead appeared for the prosecution; Mr. Bradlaugh and Mrs. Besant appeared in person.

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\* Preface to Special Report of Trial.

The indictment charged the defendants with having published and sold an obscene book, with intent to contaminate and corrupt public morals. The author of *The Fruits of Philosophy* advocated early marriage with limitation of families, and referred in the course of his work to such preventive checks as were known at that time. The Solicitor-General, in opening the case, sought to persuade the jury that Dr. Knowlton speciously used that line of argument as a disguise and pretext for suggesting illicit intercourse without risk of pregnancy ensuing. An indignant rebuke from Sir Alexander Cockburn caused the Solicitor-General to abandon that line of false suggestion, and to fall back upon the contention that it was illegal to issue a work containing "a chapter on restriction, not written in any learned language, but in plain English, in a facile form, and sold . . . at sixpence." He therefore asked the jury to declare that the book was an "obscene publication."

The speech of the Solicitor-General and his general conduct of the case are matters of trivial importance; the notable features of the trial were the addresses of the two defendants and the summing-up by the Lord Chief Justice. Mrs. Besant's speech to the jury was a remarkable and memorable effort. She examined and discussed the population question in every aspect, contending that, in view of the evils arising from excessive increase, the advocacy of prudential methods was a sacred duty to humanity. In the opening passages of her speech she pointed out, in the most impressive manner, that she pleaded for the welfare of others :

It is not as defendant that I plead to you to-day—not simply as defending myself do I stand here—but I speak as counsel for hundreds of the poor, and it is they for whom I defend this case. My clients are scattered up and down through the length and breadth of the land ; I find them amongst the poor, amongst whom I have been so much ; I find my clients amongst the fathers, who see their wage ever reducing, and prices ever rising ; I find my clients amongst the mothers worn out with over-frequent child-bearing, and with two or three little ones around too young to guard themselves, while they have no time to guard them. It is enough for a woman at home to have the care, the clothing, the training of a large family of young children to look to ; but it is a harder task when oftentimes the mother, who should be at home with her little ones, has to go out and work in the fields for wage to feed them when her presence is needed in the house. I find my clients among

the little children. Gentlemen, do you know the fate of so many of these children?—the little ones half-starved because there is food enough for two but not enough for twelve; half-clothed because the mother, no matter what her skill and care, cannot clothe them with the money brought home by the breadwinner of the family; brought up in ignorance, and ignorance means pauperism and crime—gentlemen, your happier circumstances have raised you above this suffering, but on you also this question presses; for these over-large families mean also increased poor-rates, which are growing heavier year by year. These poor are my clients, and if I weary you by length of speech, as I fear I may, I do so because I must think of them more even than I think of your time or trouble.

With righteous indignation Mrs. Besant repelled the accusation that *The Fruits of Philosophy* was an "obscene" publication. She showed by a quotation from Lord Campbell's Act (upon which the prosecution was based) that the statutory definition of obscenity could not possibly be applied to a book containing "dry physiological details put forward in dry, technical language." She next proceeded to urge that the right of free discussion upon matters of public welfare was really attacked by the prosecution:

Do you, gentlemen, think for one moment that myself and my co-defendant are fighting the simple question of the sale or publication of this sixpenny volume of Dr. Knowlton's? Do you think that we would have placed ourselves in the position in which we are at the present moment for the mere profit to be derived from a sixpenny pamphlet of forty-seven pages? No, it is nothing of the sort; we have a much larger interest at stake, and one of vital interest to the public, one which we shall spend our whole lives in trying to uphold. The question really is one of the right to public discussion by means of publication, and that question is bound up in the right to sell this sixpenny pamphlet which the Solicitor-General despises on account of its price.

It would, however, be impossible to give, by extracts of reasonable length, an adequate idea of the striking and eloquent speech which Mrs. Besant addressed to the jury in her defence. The whole question of over-population and its consequences was examined with the greatest care and completeness. Profoundly convinced of the justice of her cause, Mrs. Besant pleaded that the teachings of New-Malthusianism, by making early marriage possible, promoted happiness and morality. She said:

I think, therefore, I may fairly put it that every young man naturally desires to make a home and enter upon married life when first he comes out into the world. I do not believe that any young *man sets out with the intention of rushing into fast life and*

dissipation, but men are frequently drawn into habits of that kind because they fear the results that follow from early marriage. Since I am told that our object is to increase immorality, and that we only use the word "marriage" to conceal the foulest designs upon the purity of society, I may say freely that I hold early marriages to be the very salvation of young men, and especially of young men in our large cities. I hold the belief with a depth of conviction which I cannot put to you in words, that for one man and one woman to help, comfort, and support one another, which they are by nature adapted to do, is a state which is to be reached, which is to be perpetuated, by marriage and in no other way. It is only by companionship, and the union between a man and a woman, that this is possible. Shut a man out from the loving influence of home, the golden institutions of the fireside, his wife's society, and the happiness of becoming a father, and you induce a life of profligacy. Gentlemen, do not be deceived. There is no talk in this book of preventing men and women from becoming parents; all that is sought here is to limit the number of their family. And we do not aim at that because we do not love children, but, on the contrary, because we do love them, and because we wish to prevent them from coming into the world in greater numbers than there is the means of properly providing for. Children, I believe, have an influence upon parents purifying in the highest degree, because they teach the parents self-restraint, self-denial, thoughtfulness, and tenderness to an extent that cannot possibly be over-estimated; and it is because I wish to have it made possible for young men and for young women to have these influences brought to bear upon them in their youth, that I advocate the circulation of a book that will put within their reach the knowledge of how to limit the extent of their families within their capabilities of providing for them; for no man can look with pride and happiness upon his home if he has more children than he can clothe and educate. It is because I wish them to marry in the springtime of their youth that I ask you by your verdict in this action to make discussion on these subjects possible, and that men should not be driven to find a substitute for true and pure womanhood and wifehood in other directions. If you render this possible you will make your streets purer and your families happier than they are at present.

Having in the course of a prolonged speech explained and vindicated the New-Malthusian doctrine from misrepresentations inspired by ignorance, prejudice, and bigotry, Mrs. Besant concluded her memorable address in the following words :

I fairly put it that unless you honestly believe that my whole speech to you has been one mass of falsehoods; unless you believe my intent to be a bad intent; unless you believe I have been deliberately deceiving you throughout, and stand here before you in the very worst character a woman could take upon herself, namely, that of striving to corrupt the morals of the young under the false pretence of purity here put forward, and unless you think that, for the *after-part* of my life, I deserve to pass through it with the brand



upon me that twelve gentlemen, after all patience, thought not only that the book was a mistake, the opinions wrong, and the arguments unconvincing, but, in the terrible language of the indictment, that I am guilty of " wickedly devising and contriving as much as in me lay to vitiate and corrupt the morals of youth " as well as of others,—unless, I say, you believe that that has been my object and purpose, on this indictment, I shall call upon you, gentlemen, to return a verdict of " Not Guilty," and to send me home free, believing from my heart and conscience that I have been guilty only of doing that which I ought to do in grappling honestly with a matter I consider myself justified in grappling with—that terrible poverty and misery which is around us on every hand. Unless you are prepared, gentlemen, to brand me with malicious meaning, I ask you, as an English woman, for that justice which it is not impossible to expect at the hands of Englishmen—I ask you to give me a verdict of " Not Guilty," and to send me home unstained.

Mr. Bradlaugh, in his speech, dealt more fully than his co-defendant had been able to do with the legal and physiological aspects of the case. In the clearest fashion he maintained the lawfulness of disseminating the knowledge of innocent prudential checks :

I submit to you, gentlemen of the jury, that it is moral to teach poor people to marry early, and that this teaching avoids and will diminish illicit intercourse. I will not weary you with reading the whole of the report on the " Employment of Women and Children in Agriculture," from which my co-defendant quoted that terrible extract from the report of Bishop Fraser. You will there find that the illicit intercourse which we are charged with trying to produce is an illicit intercourse which is going on and bringing with it the birth of the child, and bringing with it the murder of the child by the mother, because there is the pang of starvation and misery and shame to contend with. I say that it is amongst the poor married people that the evils of over-population are chiefly felt, and that it cannot tend to deprave their morals to teach them how to intelligently check this over-population. . . . I submit that the advocacy of all checks is lawful except such as advocate the destruction of the foetus after conception or of the child after birth. I say that the advocacy of every birth-restricting check is lawful which is not the advocacy of the destruction of human life in any form after that life has been created.

Assuming the legality of such advocacy, it is useless unless conveyed in plain and simple language :

I say that the advocacy of any check amongst the masses to be useful must of necessity be put in the plainest language and in the cheapest form, and be widely spread ; and I press that upon you because I understand that the learned Solicitor-General in his argument put it that one of the faults of this pamphlet was that it was not obscured in learned language. If we possessed the facility of expressing ourselves in French, or Italian, or Greek, or Latin, or Hebrew, or Arabic, what earthly use would that be to the poor unfortunate wretches whose misery we want to redress ?

After traversing with his accustomed skill and acumen the charges formulated by the prosecution, Mr. Bradlaugh concluded his address with a peroration full of passionate eloquence :

We want (he said) to make the poor more comfortable ; and you tell us we are immoral. We want to prevent them bringing into the world little children to suck death, instead of life, at the breasts of their mother ; and you tell us we are immoral. I should not say that, perhaps, for you, gentlemen, may judge things differently from myself ; but I know the poor. I belong to them. I was born amongst them. Among them are the early associations of my life. Such little ability as I possess to-day has come to me in the hard struggle of life. I have had no University to polish my tongue ; no Alma Mater to give to me any eloquence by which to move you. I plead here simply for the class to which I belong, and for the right to tell them what may redeem their poverty and alleviate their misery. And I ask you to believe in your heart of hearts, even if you deliver a verdict against us here—I ask you, at least, to try and believe both for myself and the lady who sits besides me (I hope it for myself, and I earnestly wish it for her), that all through we have meant to do right, even if you think that we have done wrong. . . .

My co-defendant referred, in earnest language, to the letters which she had received from women, and clergymen, and others throughout the country. I, too, have received many warm words of sympathy from those who think that I am right. It is true many of them may be ignorant people, and therefore may be wrong ; but they have written to encourage me with their kindly sympathy in my pleading before you. If we are branded with the offence of circulating an obscene book, many of these poor people will still think "No." They think such knowledge would prevent misery in their families, would check hunger in their families, and would hinder disease in their families. Do you know what poverty means in a poor man's house ? It means that when you are reproaching a poor and ignorant man with brutality, you forget that he is merely struggling against that hardship of life which drives all chivalry and courtesy out of his existence. Do not blame poor men too much that they are rough and brutal. Think mercifully of a man such as a brick-maker, who, going home after his day's toil, finds six or seven little ones crying for bread, and clinging around his wife for the food which they cannot get. Think you such a scene as that is not sufficient to make both himself and her hungry and angry too ? Gentlemen, it is for you, in your deliverance of guilty or not guilty, to say how we are to go from this court—whether, when we leave this place, if you mark us guilty, his lordship may feel it to be his duty to sentence us, and put upon us the brand of a doom such as your verdict may warrant ; or whether, by your verdict of not guilty—which I hope for myself and desire for my co-defendant—we may go out of this court absolved from that shame which this indictment has sought to put upon us.

We must pass over the evidence given by Dr. Alice Vickery, Dr. C. R. Drysdale, Mr. Bohn and others for

the defence; and refer briefly to the summing-up of the Lord Chief Justice (Sir Alexander Cockburn). His lordship dwelt upon "the mischievous character and effect" of the prosecution, and declared that "a more ill-advised and more injudicious proceeding" had probably never been brought into a court of justice. He adverted in terms of severity to the secrecy that had been maintained as to the real originators of the prosecution. In discussing the questions involved, his lordship referred to the theory of Malthus as "a theory which astonished the world, though it is now accepted as an irrefragable truth, and has since been adopted by economist after economist. That the evils arising from over-population," he continued, "are evils which, if they could be prevented, it would be the first business of human charity to prevent, there cannot be any doubt. That the evils of population are real, and not imaginary, no one acquainted with the state of society in the present day can possibly deny." Upon the question whether or not the advocacy of prudential checks tended to corrupt public morals, his lordship said to the jury: "You must decide that with a due regard and reference to the law, and with an honest and determined desire to maintain the morals of mankind. But, on the other hand, you must carefully consider what is due to public discussion, and with an anxious desire not, from any prejudiced view of this subject, to stifle what may be a subject of legitimate enquiry." The concluding passages of the charge to the jury are so significant that they are here reproduced entire:

If you are of opinion that this work of Knowlton's, although well intended, and although the publication of it by the defendants may be intended for the benefit of mankind, if you think they have taken an erroneous view as to the effect of the work, and that its entire scope is subversive of the morals of society, if that is your opinion, it is then your bounden duty to find the defendants liable. But whilst that is the case, it is for the prosecution to make out the charge they have undertaken to establish. If you think they have failed—if you think these are matters which may fairly be discussed—that the proper answer to them is by refuting them by argument and not by prosecution, the defendants are entitled to your verdict. Or if you have any doubt as to the effect of this work you are bound to bring them in not guilty. I would only say in conclusion, that whatever outrages decency, whatever tends to corrupt the morals of society, and especially the morals and purity of women—whatever tends to have that result is, when published, *an offence against the law*. But that offence like every other must

be made out. If you think it is made out, if there is a conviction in your minds that though they have acted from a desire to do good, yet in your opinion they have done wrong, they have then brought themselves within the definition of the statute.

Despite the powerful speeches of the defendants and the obviously sympathetic charge of the judge, the jury were not equal to their opportunity to make a clear stand for freedom of discussion. They returned a halting "special" verdict, declaring that the book was "calculated to deprave public morals," but at the same time they entirely exonerated the defendants from any corrupt motives in publishing it. Upon this the judge reluctantly directed the jury to return a verdict of guilty.

The remainder of the story is most concisely told in Mrs. Besant's own words: "Obviously annoyed at the verdict, the Lord Chief Justice refused to give judgment, and let us go on our own recognisances. When we came up later for judgment, he urged us to surrender the pamphlet as the jury had condemned it; said our whole course with regard to it had been right, but that we ought to yield to the judgment of the jury. We were obstinate, and I shall never forget the pathetic way in which the great judge urged us to submit, and how at last when we persisted that we would continue to sell it till the right to sell it was gained, he said that he would have let us go free if we would have yielded to the court, but our persistence compelled him to sentence us. We gave notice of appeal, promising not to sell till the appeal was decided, and he let us go on our own recognisances. On appeal we quashed the verdict, and went free; we recovered all the pamphlets seized, and publicly sold them; we continued the sale till we received an intimation that no further prosecution would be attempted against us, and then we dropped the sale of the pamphlet and never took it up again."\*

Having given an account of this memorable trial, we proceed to trace some of its far-reaching effects. In the first place, Dr. Knowlton's pamphlet gained immediately an enormous circulation. Before the prosecution the annual sales were very small; within three months from the time when proceedings were instituted against the

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\* *Lucifer*, July, 1891.

publishers, 125,000 copies were sold. But this result, startling as it appears, was by no means the most important phase of the impetus given to the public mind upon the question of population by the *cause célèbre* of "The Queen *versus* Charles Bradlaugh and Annie Besant." During the trial the newspapers of this country contained lengthy reports of the proceedings, and the remarkable speeches of the defendants were thus carried far and wide. Their popular statements of the Malthusian position, their description of the evils arising from over-population and the remedies that they proposed were sent forth into many thousands of homes into which no hint of the truth would otherwise have penetrated. The press, with its myriad voices, became, for the time, a mighty organ of New-Malthusian propaganda, repeating, in tones that echoed round the world, the eloquent words of two social reformers to whom the miseries of the poor were known, and who had faced the danger of imprisonment and of social obloquy in order to proclaim that which they felt to be the only efficient remedy for poverty.

Amidst the public excitement caused by this famous trial, THE MALTHUSIAN LEAGUE was called into existence, and has since carried forward the work of propaganda in an organised and systematic fashion. It was founded to promote the following objects :

I. To agitate for the abolition of all penalties on the public discussion of the Population Question, and to obtain such a statutory definition as shall render it impossible, in the future, to bring such discussions within the scope of the common law as a misdemeanor.

II. To spread among the people, by all practicable means, a knowledge of the law of population, of its consequences, and of its bearing upon human conduct and morals.

Dr. Charles R. Drysdale, M.D., F.R.C.S., Eng., has from the first been the President of the League, and has devoted himself to the work of explaining and advocating the New-Malthusian principle. The list of Vice-Presidents has included the names of the late M. Yves Guyot, a distinguished French député and Minister of State, and of Mr. J. Bryson, President of the Northumberland Miners' Association. A reference to its present composition will show the reader that the efforts of the League

to spread enlightened views on the population question have the approval and sympathy of influential persons in this and in other countries.\*

The work of the League is chiefly carried on by public lectures and meetings, the dissemination of literature, and letters addressed to the editors of newspapers. By these means the public mind is constantly being influenced in the direction of rational views upon the population question.

The annual meetings of members and friends of the League have afforded valuable opportunities of obtaining expressions of opinion upon the subject of Malthusianism from many influential persons. Letters expressing hearty approval of the movement have been received from Mrs. Mona Caird, Lord Derby, Lord Pembroke, the late Lord Bramwell, Mr. Leonard Courtney, M.P., Mr. W. B. Mac-laren, M.P., Professor Bain, Mr. Arnold White, Mr. G. H. Darwin and others.

Four years after the formation of the League, a "Medical Branch" was established for the following purposes :

I. To aid the Malthusian League in its crusade against poverty and the accompanying evils by obtaining the co-operation of qualified medical practitioners, both British and foreign.

II. To obtain a body of scientific opinion on points of sexual physiology and pathology involved in the "Population Question," and which can only be discussed by those possessed of scientific knowledge.

III. To agitate for a free and open discussion of the Population Question in all its aspects in the medical press, and thus to obtain a recognition of the scientific basis and the absolute necessity of Neo-Malthusianism.

It will be seen that the work of this section is of a special and scientific character. The names of the officers and members (given in the appendix) will show that the advocacy of prudential checks to population is sanctioned by a body of physicians of unquestioned eminence.

Having given an outline of the permanent organisation of Malthusian propaganda which grew out of the events of 1877, we proceed to trace briefly the history of the movement from that period. It is in the main a story

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\* See Appendix.

of petty persecutions on the one side, and, upon the other, of steady persistence in the work of informing the public mind. The principal obstacle to the progress of the movement, and one which it is slowly but surely surmounting, is the prejudice born of ignorance and bigotry. Journalists, statesmen and other leaders of opinion do not hesitate to avow their adhesion to the principle formulated by Malthus; but they are, almost without exception, dominated by the fear of Mrs. Grundy, and shrink from incurring the odium which, they imagine, would result from a frank recognition of the only logical outcome of that principle. They join loudly in the chorus on the evils of over-population; but, as a rule, they will lend no public countenance to the distinct advocacy of prudential checks. Hence the task of the pioneers of the movement is rendered excessively difficult; but from the very inception of the Malthusian League, the work of propaganda has been carried forward with unflinching devotion and singleness of purpose.

In its earliest days, the League was called upon to support one of its most respected members under stress of persecution. In February, 1878, Mr. Edward Truelove was prosecuted and tried before Lord Chief Justice Cockburn for publishing the Hon. Robert Dale Owen's pamphlet entitled *Moral Physiology*, and an essay on *Individual, Family, and National Poverty*, by an anonymous author. Mr. W. A. Hunter, in defending the case, made a most powerful speech in support of the Malthusian position. The jury were unable to agree upon a verdict, and the proceedings came to an abortive termination. Three months later, however, Mr. Truelove was a second time placed upon his trial, the venue meanwhile being changed from the Court of Queen's Bench to the Old Bailey. A common jury found no difficulty in returning a verdict of guilty, and Mr. Truelove (then in his sixty-eighth year) was sentenced to pay a fine of £50 and to be imprisoned for four months. A great public meeting was held at St. James's Hall on June 6th, when Mr. Bradlaugh, Mrs. Besant, Dr. Drysdale and other friends of the movement protested against the action of the authorities in thus interfering with the right of free discussion, and expressed their admiration of Mr. Truelove's courage and consistency.

Mr. Truelove endured the privations of imprisonment with fortitude and dignity, sustained by the knowledge that his cause was righteous. He was taken to Coldbath Fields in a prison-van, handcuffed like a dangerous criminal; compelled to lie on the "plank-bed," and subjected to all the rigors of gaol discipline. During the first three months he was allowed no meat; after that time he was permitted to have six ounces of Australian tinned meat *per week*. Happily the confinement and hardships did not prejudicially affect his health.

On September 12th he was welcomed back to liberty by a large and enthusiastic gathering of friends at the Hall of Science, London. The leading members of the Malthusian League were present, and Mr. Moncure D. Conway, and the Rev. Stewart D. Headlam attended to do honor to one who had suffered for conscience sake. A purse containing £200 was presented to Mr. Truelove, together with the following testimonial:

*To EDWARD TRUELOVE, on his release from four months' imprisonment in Coldbath Fields Prison—suffered in defence of the Liberty of the Press.*

The undersigned, on behalf of the National Secular Society and of the Malthusian League, desire to welcome you on your return to liberty, and to offer you their heartiest thanks for the courage and endurance you have displayed, in defending the right of free publication of opinion.

The battle for the liberty of the press has been steadily waged ever since the invention of printing, and a long muster-roll of names might be given of those who, first at the stake, and since in prison, have in turn paid their share of the penalty-purchase for the victories already achieved. You have worthily entitled yourself to an honorable place in this muster-roll, the more so that you have stood firm in a day when too many temporise and flinch. From almost every part of England, and from remote districts, as well as from the great centres of Scotland, many thousands of your fellow countrymen and countrywomen have pleaded for your release, and from all parts of the civilised world expressions have been received, of sympathy with you, and of indignation against your persecutors.

As some slight mark of our gratitude and affectionate esteem, and in recognition of the honor with which you have crowned a long life of unwavering courage, we present you this address, and the accompanying purse of gold, begging you to accept with them our sincerest wishes for your future welfare. Signed on behalf of

THE NATIONAL SECULAR SOCIETY.

THE MALTHUSIAN LEAGUE.

CHAS. BRADLAUGH, *President*.

C. DRYSDALE, M.D., *President*.

ROBERT FORDER, *Secretary*.

ANNIE BESANT, *Hon. Sec.*

Hall of Science, 12th September, 1878.



The case of Mr. Truelove was the last prosecution of importance in this country for the publication of works dealing with the population question. The proceedings against Mr. Bradlaugh and Mrs. Besant, after being quashed in the Court of Appeal upon a writ of error, were never renewed. Dr. Knowlton's pamphlet, *The Fruits of Philosophy*, was withdrawn from circulation, and Mrs. Besant wrote a small book, *The Law of Population: its consequences and its bearing upon human conduct and morals*, to take its place. Of this work nearly 200,000 copies were circulated in Great Britain; many pirated editions were published in America and Australia; and it was translated into several European languages. It formed the basis of a remarkable judgment by Mr. Justice Windeyer (delivered in the Supreme Court of New South Wales), to which further reference will presently be made.

In June, 1887, Dr. H. A. Allbutt, of Leeds, published a sixpenny pamphlet entitled *The Wife's Handbook*. The following paragraph, taken from the introduction to the book, will explain its object: "To save the lives and preserve the health of thousands of women, to rescue from death and disease children who may be born, to teach the young wife how to order her health during the most important period of her life, to remove from her mind the popular ignorance in which she may have been reared, and to enable her to learn truths concerning her duties as wife and mother, I have thought fit to write this little work." Shortly after its appearance, the spirit of persecution was again manifested, this time in an obscure and technical aspect. As a member of the Royal College of Physicians of Edinburgh, Dr. Allbutt was professionally amenable to the Council of that body; and he was summoned to appear and show cause why he should not be removed from the rolls for the offence of writing and publishing *The Wife's Handbook*. The matter was warmly taken up by the Malthusian League, and protests were addressed to the College from all parts of Great Britain and from France, Germany, Holland, Italy, India and Jamaica. Nothing more was heard of the affair until November, when Dr. Allbutt received a notice to appear *before the General Medical Council*, in London, to show *cause why his name should not be struck off the register*.

On November 23rd the complaint against Dr. Allbutt was considered by the General Medical Council, a body composed of twenty-seven physicians. Dr. Allbutt was represented by Mr. Wallace (barrister), and the "prosecution" was conducted by Mr. Muir Mackenzie, the legal adviser of the Council. The following were the points which the Council proceeded to consider: "(1) Was *The Wife's Handbook* a fair medical treatise, or was it an indecent advertisement? (2) Was it practically an injury to the public and an insult to the profession?" Mr. Wallace, in a very able speech, traversed the suggestions made by the Council's solicitor, and challenged the right of an irresponsible body to determine whether any line of advocacy was "subversive of public morality." If Dr. Allbutt had violated the law, he was amenable to legal proceedings, and it was not for the Medical Council to sit in judgment upon him. Mr. Wallace justified the course that Dr. Allbutt had taken in publishing his work at a low price in order that it might be placed within the reach of the poorest classes. He called the attention of the members to a list of the petitions which had been presented to the Council on the subject from all parts of Europe. They amounted to over seventy; many of them came from medical, scientific, and political societies. He assured the Council that the members of the medical profession were by no means unanimous in condemning Mr. Allbutt, and it would run against the feelings of a very considerable minority if they decided adversely to his client. The book was written with the express object of saving poor people from the misery, poverty, and starvation which resulted from the over-production of children; and he asked the Council, in conclusion, to arrive at a decision which would relieve his client from the imputation which had been cast upon him, and which would restore him to his proper position.

The Council having deliberated in private, the President delivered the following judgment:

"In the opinion of the Council, Mr. Allbutt has committed the offence charged against him, that is to say, of having published and publicly caused to be sold a work entitled *The Wife's Handbook*, in London and elsewhere, at so low a price as to bring the work within the reach of the youth of both sexes, to the detriment of public

morals. Secondly, the offence is, in the opinion of the Council, 'infamous conduct in a professional respect.' Thirdly, the Registrar is hereby ordered to erase the name of Mr. H. A. Allbutt from the *Medical Register*."

Thus ended the futile attempt of the General Medical Council to put a stop to the publication of Malthusian works "*at so low a price*." Nobody was a penny the worse for the ponderous proceedings of this archaic tribunal. Dr. Allbutt has never ceased to practise legally as a physician; twenty editions of *The Wife's Handbook* have been issued and 180,000 copies sold.

This case aroused much attention in the press. The *Pall Mall Gazette* declared that "the decision of the General Medical Council to erase from its rolls the name of a physician who published 'at a low price' information as to the best means for preventing the excessive multiplication of children beyond their parents' means of subsistence or the possibility of education and control, will before long become familiar as one of the most glaring illustrations of professional prejudice and human folly. When such a cool-headed respectable as Lord Derby feels bound to call attention to the increase of 400,000 per annum in our population as one of the most pressing problems of our day, it is really too fatuous for the General Medical Council to brand as 'infamous' a practitioner who, in a work to which no objection is taken on the score of impropriety or immorality, supplies to the poor information already possessed by the rich."

We have to record but one later attempt to interfere with the free discussion of the population question in this country. In October, 1891, Mr. H. S. Young, M.A., was summoned to appear at Bow Street Police Court on a charge of sending through the post a leaflet entitled *Some Reasons for Advocating the Prudential Limitation of Families*. The proceedings were taken under the Post Office Protection Act. Mr. Besley, in conducting the prosecution, made the remarkable statement that the only check against immorality in this country was the fear of pregnancy! Speaking in his own defence, Mr. Young contended that there was no "obscenity" involved in pointing out to the poor how they might limit their families. The magistrate (Mr. Lushington) admitted that the leaflet was written in very careful language, and

not intended to be at all offensive; but still he held that it was "obscene," convicted Mr. Young, and ordered him to pay a fine of £20 and costs. The defendant applied to the magistrate to state a case, as he intended to appeal; but Mr. Lushington refused to do so.

This prosecution led to the formation of a Free Discussion Committee, and public meetings were held in various parts of the metropolis, protesting against the infringement of public freedom by legal proceedings. Repeated attempts were made by Mr. Young and his advisers to bring the case before a court of law, but technical difficulties rendered this practically impossible, and the matter was allowed to drop.

Meantime the propaganda of New-Malthusian views is steadily continued. The pages of *The Malthusian*, the monthly organ of the League, bear constant witness to activity which hastes not and rests not. Whether its energies are to be again stimulated by persecution, time alone can show.

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A brief statement concerning the position of the Malthusian movement in foreign countries may be usefully added to this chapter.

*Holland.*—Several years ago a Dutch Malthusian League was established by Mr. S. Van Houten (Doctor of Laws, and Député), Mr. C. V. Gerritsen, Dr. C. de Rooy, Dr. Lobry de Bruyn and others. In 1887 the League numbered amongst its members, in Amsterdam alone, six Doctors of Medicine, eleven Doctors of Law, and three Professors of the University. At Amsterdam a dispensary has long been open, where a lady (Dr. Aletta H. Jacobs) and other medical members attend and give advice to those seeking practical information upon prudential checks. Large numbers of poor married women apply at the dispensary for instruction as to the best methods by which they can restrict the size of their families. Several pamphlets upon the population question have been issued by the Dutch Malthusian League. In 1887, thirty thousand copies of one of its publications had been circulated in a country with a smaller population than that of London. The most recent pamphlet on Malthusianism, from the pen of Mr. J. A. Van der Haven

is entitled *The Dark Netherlands, and the way out of it*. The author draws a sad picture of life in some of the poor quarters of Holland, where, he says, "laughter is seldom heard, and hunger and early death are constant visitors." There is, however, hope for a brighter future. Mr. Gerritsen states that in Holland "directors of large industrial establishments and railway societies make their workmen acquainted with the means of preventing themselves from drifting into poverty."

*Germany*.—The Malthusian question has frequently been the subject of discussion in Germany. Dr. Stille, of Hanover; Dr. Hans Ferdy, Dr. Mensinga, Dr. Zacharias, and other physicians have again and again called public attention to the importance of the subject; but, until lately, no combined effort to influence public opinion has been possible. Mr. Max Hausmeister, of Stuttgart, has at length set on foot an organisation for the propaganda of New-Malthusian views. On February 12th, 1892, a private meeting was held at Stuttgart "to consider the advisability of forming a Malthusian Society." This led to the establishment of the *Sozial-Harmonische Verein* (Social Harmony Union), and a monthly journal, *Die Sozial Harmonie*, was founded "to enlighten the people of Germany upon social, political and economic questions and the relation of these to sexual matters." (Subscription: 2.50 marks per annum.) Germany, with its teeming population of impoverished workers, affords an enormous field for Malthusian propaganda.

In Holland and Germany alone, amongst continental countries, has the Malthusian view found organised expression. *France*, whilst extremely prudent in practice, is strongly anti-Malthusian in theory, at least so far as the governing class is concerned. Drs. Lutaud, Le Blond, and Rebanté, of Paris, are prominent amongst the adherents of the New-Malthusian movement in France.

In *India*, public attention has lately been called to the population question by a prosecution instituted by the police authorities against Messrs. Taraporewalla & Sons, of Bombay, for selling copies of a pamphlet entitled *True Morality; or, the Theory and Practice of New-Malthusianism*, by Mr. J. R. Holmes. The Chief Presidency Magistrate convicted the defendants and imposed a fine of 201 *rupees* (about £12. 10s.). The conviction was not per-

mitted to pass without public protest. The editor of a Bombay journal wrote: "The battle has been fought and won in the West, and the subject is more or less directly treated in the leading reviews, and books and pamphlets are openly sold in England. Our duty here is clear enough. Are the Freethinkers in India, whether New-Malthusians or not, to quietly stand by and see the free discussion of this question denied the public? We are perfectly aware that although there are many who will aid in this work, there are few—alas! how few!—who will openly bear the brunt of the fray. However, there is at least one who will do it. But will the others stand round and give whatever help they can, even if silently?" The standard of comfort amongst the teeming native population of India is deplorably low, the average income per head in the north-west provinces not exceeding 22½ rupees (say £1. 8s. 6d.) *per year*. And yet, forsooth, those who seek to lift the poor ryots from their abysmal poverty and misery are confronted with the smug conventionalities of Western Europe, and punished as distributors of "obscene" literature!

*America* has no Malthusian organisation, but there are many sympathisers with the movement in various parts of the country. Dr. E. B. Foote, jr., of New York, is a most active and earnest advocate of Malthusian views, and has written several popular works on the subject. The customs and postal prohibitions are very stringent as to the admission and transmission of Malthusian literature and appliances. Some years ago the late Mr. D. M. Bennett underwent a term of imprisonment at Auburn for sending through the post a pamphlet by Mr. Heywood on the marriage question. Just after his arrest Mr. Bennett stated: "My only object in selling this pamphlet is to vindicate the liberty of thought, of the press, and of the mails. I have always announced that I did not approve of it; but as long as Mr. Heywood does, I declare that he has a right to mail it as part of his right to publish it, and as a necessary part of the freedom of the press. If this means that I am to go to prison, to prison let it be."

From this necessarily slight and incomplete sketch of the position of the movement abroad it will be seen that the theory of Malthus is gradually leavening the thought and helping to shape the destinies of the civilised world.



## CHAPTER IV.

## A JUDICIAL VINDICATION OF NEW-MALTHUSIANISM.

As we have shown in the preceding chapter, repeated attempts have been made to suppress, by legal process, the advocacy of New-Malthusian views. Those attempts have failed, as they were bound to fail. By the strange irony of fate, indeed, one of the most powerful, logical and convincing vindications of the prudential limitation of families has proceeded from the judicial bench. The famous judgment delivered by Mr. Justice Windeyer, Senior Puisne Judge of the Supreme Court of New South Wales, on December 12th, 1888, is so important a contribution to the discussion of this question that a chapter may profitably be devoted to a summary of its arguments and conclusions.

A stipendiary magistrate in New South Wales convicted Mr. W. W. Collins on a charge of selling an "obscene" book, viz., *The Law of Population*, written by Mrs. Annie Besant. Mr. Collins appealed against this conviction to the Supreme Court, consisting of Chief Justice Darley and Justices Windeyer and Stephen. The sole question at issue was whether the work was "obscene"; and upon this the judgment of the Court (the Chief Justice dissenting) was given that the conviction should be set aside.

In delivering judgment, Mr. Justice Windeyer said :

A court of law has now to decide for the first time whether it is lawful to argue in a decent way with earnestness of thought and sobriety of language the right of married men and women to limit the number of the children to be begotten by them by such means as medical science says are possible and not injurious to health. Of the enormous importance of this question, not only to persons of limited means in every society and country, but to nations, the populations of which have a tendency to increase more rapidly than the means of subsistence, there cannot be the slightest doubt. Since the days when Malthus first announced his views on the subject to be misrepresented and vilified, as originators of new ideas usually are by the ignorant and unthinking, the question has not only been pressing itself with increased intensity of force upon thinkers and social reformers dealing with it in the abstract, but the necessity of practically dealing with the difficulty of over-population has become a topic publicly discussed by statesmen and politicians. It is no longer a question whether it is expedient to prevent the growth of a pauper population, with all its attendant miseries following upon semi-starvation. Over-crowding, disease, and an enfeebled national

stamina of constitution ; but how countries suffering from all these causes of national decay shall avert national disaster by checking the production of children, whose lives must be too often a misery to themselves, a burden to society, and a danger to the State.

His lordship pointed out that public opinion has so far advanced that the abstract necessity of prudential limitation is now generally admitted. "Statesmen, reviewers, and ecclesiastics join in a common chorus of exhortation against improvident marriages to the working classes, and preach to them the necessity of deferring the ceremony till they have saved the competency necessary to support the truly British family of ten or twelve children." It is, however, futile to hope that celibacy and continence will furnish the solution of the question. The Protestant world has rejected the idea of a celibate clergy as incompatible with purity and the safety of female virtue. How, then, can we expect that men and women, "with their moral nature more or less stunted, huddled together in dens where the bare conditions of living preclude even elementary ideas of modesty, with none of the pleasures of life save those enjoyed in common with the animals— . . . these victims of a social state, for which the educated are responsible if they do not use their superior wisdom and knowledge for its redress, to exercise all the self-control of which the celibate ecclesiastic is supposed to be incapable" ?

The judge then proceeded to argue that, as the evils of over-population were almost universally recognised, the duty of making known to the people the practical method of escaping from them must also be recognised :

Why is the philosopher who describes the nature of the disease from which we are suffering, who detects the causes which induce it and the general character of the remedies to be applied, to be regarded as a sage and a benefactor, but his necessary complement in the evolution of a great idea, the man who works out in practice the theories of the abstract thinker, to be denounced as a criminal ? It was only when Jenner ventured to act on the theory which he had founded upon his observations that he was denounced and vilified in language which it is now almost impossible to conceive.

All history, however, has shown that public opinion advances whilst the law remains stationary ; and martyrs must suffer until the law is brought into conformity with the public conscience :

*A certain number of prosecutions under the law, a certain number of victims to the ignorance or superstition of those who framed it.*



a certain number of refusals to convict under a growing sense of its unwisdom, injustice and barbarity, seem to be in all societies the stages passed through by laws established for the purpose of coercing the opinions of mankind before they become obsolete, if judge-made, or, if statutes, are repealed as inconsistent with advancing knowledge.

With regard to the pamphlet under consideration, the judge pointed out that it did not come before them as an obscene libel at common law. The question, therefore, whether the purpose advocated in the book (*i.e.*, the limitation of families) was inconsistent with the morals of society, was not relevant. They had only to enquire if the details as to prudential checks, given in that pamphlet, were inconsistent with decency. It had been admitted in argument that the greater part of the work, dealing with the *abstract* necessity of limiting population, was not obscene. The only portion against which obscenity was alleged was the chapter in which the *means* by which conception could be prevented were stated, and in which the female sexual organs were described as far as necessary for the purpose.

The question was thus raised—What is obscenity? After quoting the definition of the word which had been adopted in a previous case, Mr. Justice Windeyer laid down the principle that “it is the circumstances under which language is published, or acts done, that determine whether language or conduct is obscene. No natural function of the body is obscene itself. In the physical constitution of man, including all his natural instincts, there is nothing unholy or unclean.” But certain natural actions, if performed in public, would be a gross outrage upon decency. In like manner, language that might be permissible and necessary if used on certain occasions, would manifestly be an outrage upon decency if used when occasion did not warrant it:

The question therefore is, when language is objected to as obscene, whether the occasion upon which it has been used warrants its use in the manner resorted to. This view of the law, I find, is taken by the most distinguished writer upon the criminal law of modern days—that most acute thinker, Sir James Stephen. That learned judge, in his Digest of the Criminal Law, p. 105 submits the following as the true view of the law with reference to the publication of matter that would be obscene if not justified by the occasion:

“A person (he says) is justified in exhibiting disgusting objects, or publishing obscene books, papers, writings, pictures, drawings, or other representations, if their exhibition or publication is for the

public good, as being necessary or advantageous to religion, or morality, to the administration of justice, the pursuit of science, literature or art, or other objects of general interest; but the justification ceases if the publication is made in such a manner, to such an extent, or under such circumstances, as to exceed what the public good requires in regard to the particular matter published."

Mr. Justice Windeyer said he accepted this view as the law, and the question for consideration was whether the chapter detailing prudential checks made the publication obscene. To determine this, it was necessary to consider the work as a whole, in order that it might be ascertained whether the language complained of was warranted by the occasion :

As it cannot be denied that the question propounded for discussion is of enormous importance, and that it is right to advocate in the abstract the expediency of checking the advancing tide of population, it appears to me impossible to contend that language which tells how this may be done is obscene if it goes no further than is necessary for this purpose. Having carefully read the third chapter of the pamphlet, it appears to me to be written in all decent sobriety of language. I see nothing in its language which an earnest-minded man or woman of pure life and morals might not use to one of his or her own sex, if explaining to him or her what was necessary in order to understand the methods suggested by which married people could prevent the number of their children increasing beyond their means of supporting them. There is nothing which points to the conclusion that any language is used with the intention of exciting feelings of wantonness and lust; and it requires but slight acquaintance with the medical profession to discover that the advice given in this chapter is frequently given by them to women suffering from over-childbearing, and to those to whom parturition is dangerous. The information afforded in the third chapter of the pamphlet, if given by a medical man to a patient suffering from over-maternity, or if whispered in matrimonial confidence, or imparted in the privacy existing between the author and the reader of her pamphlet, is not obscenity; though the public proclamation of the same information on a placard in George Street or Piccadilly, so that all who ran might read, would be an obscenity of the grossest kind, so clearly do the circumstances of a publication alter its character. If admitted, as it is, that the information, physiological and otherwise, given in Chapter III. can be found in medical works of an expensive kind, it cannot affect the character of the information for obscenity that it is given in a cheap form. Information cannot be pure, chaste and legal in morocco at a guinea, but impure, obscene and indictable in a paper pamphlet at sixpence. The information, to be of value in a national point of view as a safeguard from the miseries of over-population and overcrowding, must be given wholesale to the masses likely to over-breed. The time is past when knowledge can be kept as the exclusive privilege of any caste or class. The fact that a book may excite prurient thoughts if used for that purpose by the low-minded and the young, does not make it obscene.

The objection which has been urged, that the means suggested for the prevention of conception might be availed of by the unmarried and immoral for the purpose of enabling them safely to indulge in vice, is simply the application to this subject of the exploded delusion that knowledge is a dangerous thing. . . . The time is surely past when countenance can be given to the argument that a knowledge of any truth, either in physics or in the domain of thought, is to be stifled because its abuse might be dangerous to society. The guardianship of the eunuch and the seclusion of the harem were not necessary to build up the national character of English women for chastity; and it is an insult to them to argue that it is necessary to keep them in ignorance on sexual matters to maintain it. Ignorance is no more the mother of chastity than of true religion.

Mr. Justice Windeyer then examined the contention that the prudential limitation of families is "a violation of natural laws and a frustration of nature's ends":

The argument that nature intends every woman to conceive as often as is possible would, if carried to its logical conclusion, result in the Indian custom of marrying every female child upon reaching puberty in order that no opportunity of conception should be lost. In all other matters of breeding but the all-important one of the breeding of the human race, the aim of man is to defeat the effects of nature's laws of reproduction, and to limit the number and kind of animals produced to the amount required for the use of man. The forces of nature, blind and ruthless in their effect, we control and defeat in their operation by all the means that science places at our command. To protect churches and hospitals from the operation of nature's laws, we put up conductors to arrest the inexorable effects of lightning, which would remorselessly destroy what piety and humanity would protect. The course of nature is to kill a noble woman, a devoted wife and loving mother, if her pelvis is too small to admit the delivery of a child with an abnormally large head. The practice of civilised man, aided by science, is in such a case of parturition to destroy the infant and to save the mother. The interference with the course of nature is direct, the practice in no way natural; but enlightened public opinion in no way condemns it. But if the pelvis of a woman is so unusually small that she never can be delivered of a child but at the peril of her life, where is the immorality in the husband and wife resorting to any preventive checks that may preserve a life that is dear and perhaps valuable to the world? It is unreasoning prejudice alone that starts the objection that such prevention of all the physical agony involved in a painful and dangerous delivery and possible loss of life is immoral and unnatural.

The case of the Queen *versus* Bradlaugh and Besant (referred to at length in the preceding chapter) had been cited as an authority in support of the contention that *The Law of Population* was an obscene book, inasmuch as the pamphlet which was the subject of that prosecution, and for the publication of which the defendants

were convicted, advocated the adoption of preventive checks. Mr. Justice Windeyer, however, refused to accept that case as a binding precedent :

As I have already pointed out, the case cannot be regarded as an authority upon that point, as there the question was whether the pamphlet was an obscene libel. Whether the verdict of the jury was right in that case is not a matter of law, but of opinion. Reading the summing-up of Lord Chief Justice Cockburn with some knowledge of judicial modes of putting criminal cases to a jury, it appears to me that, though expressing no direct opinion as to its character, the learned Chief Justice thought that the book was not an obscene libel, and was cautiously guiding the jury to that conclusion. By the opinion of a jury coming to the consideration of so delicate a question of social science as was submitted to them, probably without any previous acquaintance with subjects of the kind, I decline to be in any way bound; and I have no hesitation in saying that, had I been a member of the jury, I should have acted upon the reasoning of Lord Chief Justice Cockburn, and acquitted the defendants. Not only does the whole tenor of his Lordship's summing-up appear to me argumentatively in favor of the defendants, but, from certain passages, it appears to me that the inference is clearly to be drawn that he neither thought the physiological details of the book were obscene, nor was of opinion that its teaching would promote immorality.

Mr. Justice Windeyer quoted several passages from the judgment of Sir Alexander Cockburn in support of his view that the Lord Chief Justice did not regard the preventive checks recommended as immoral. How, he asked, could any reasonable man condemn as immoral the wish of married people to bring no more children into the world than they can support, and the adoption of the necessary means to effect that wish?

Instead of poor, let a case of consumptive parents be taken, or of parents one of whom has developed symptoms of insanity. Who could suppose that any jury would regard any means adopted by them to prevent the procreation of a number of children, diseased and rickety, or certain to inherit a taint of insanity, would be otherwise than natural and right, and the adoption of any means that medical science could suggest to prevent it not only not immoral but laudable in the highest degree? If it is not immoral to do what the pamphlet advocates, it seems to me impossible to argue that the mere advocacy itself is a penal offence. The question is, Where does the immorality come in? Wrongs can only be regarded as such in their relation to others, or as self-regarding. Is there in the adoption of preventive intercourse any invasion of the rights of others? Certainly none. The use of the preventive checks can only be viewed as a possible wrong in the light of a self-regarding one. How can it be argued with any show of sound reason that the use of preventive checks (adopted, perhaps, from the determination not

to bring into the world children that cannot be even fed) can be morally injurious to persons animated by a sense of duty founded upon the noblest altruism? The world would have little need of penal statutes if a consideration of the rights of others actuated the conduct of all mankind. Active altruism—the distinctive feature of Christian teaching, inculcated in the precept, "Do unto others as you would men should do unto you"—can never in its application injuriously react upon the moral nature of those who seek to put it in force with regard to any conduct which may affect the happiness of others. The profound law of ethics, that in trying to do good to others we unconsciously benefit ourselves, is no less true here than in all other phases of human conduct. Every thought entertained, every effort made for the good of others, must elevate the thinker and the actor. Who will say that the low and vicious parents of East London's gutter children, brought up amidst all the moral horrors of over-crowding, half-starved, and stunted in growth, without elementary notions of decency or morality—who will say that such parents would not have been morally superior if they could have seen the wrong they were doing in bringing such offspring into the world, and had taken measures to prevent it? Who will say that the future of society would not have an infinitely better outlook if the breeding of such children were to be prevented by the conjugal prudence of parents in resorting to the use of such means as would prevent their procreation? It is idle to preach to the masses the necessity of deferred marriage and of a celibate life during the heyday of passion. To attempt to stifle the cry of human nature uttered in the voice of its most powerful instinct, is indeed to fly in the face of nature. Like all attempts to regulate conduct by ignoring the facts of human nature, it must signally fail. Prostitution with all its horrors is the outcome of enforced unnatural celibacy. To use and not abuse, to direct and control in its operation any God-given faculty, is the true aim of man, the true object of all morality.

In concluding this memorable judgment, Mr. Justice Windeyer declared that he would not seek to evade the responsibility of deciding the matter submitted to him by shielding himself behind the decisions of other judges whose unreasoned opinions were of no weight against unrefuted arguments :

So strong is the dread of the world's censure upon this topic, that few have courage openly to express their views upon it; and its nature is such that it is only among thinkers who discuss all subjects, or amongst intimate acquaintances, that community of thought upon this question is discovered. But let anyone inquire amongst those who have sufficient education and ability to think for themselves, and who do not idly float, slaves to the current of conventional opinion, and he will discover that numbers of men and women of purest lives, of noblest aspirations, pious, cultivated, and refined, see no moral wrong in teaching the ignorant that it is *wrong to bring into the world children to whom they cannot do justice, and who think it folly to stop short in telling them simply*

and plainly how to prevent it. A more robust view of morals teaches that it is puerile to ignore human passions and human physiology. A clearer perception of truth and the safety of trusting to it, teaches that in law as in religion it is useless trying to limit the knowledge of mankind by any inquisitorial attempts to place upon a judicial *index expurgatorius* works written with an earnest purpose, and commending themselves to thinkers of well-balanced minds. I will be no party to any such attempt. I do not believe that it was ever meant that the Obscene Publication Act should apply to cases of this kind, but only to the publication of such matter as all good men would regard as lewd and filthy, to lewd and bawdy novels, pictures and exhibitions evidently published and given for lucre's sake. It could never have been intended to stifle the expression of thought by the earnest-minded on a subject of transcendent national importance like the present; and I will not strain it for that purpose. As pointed out by Lord Chief Justice Cockburn in the case of the Queen *versus* Bradlaugh and Besant, all prosecutions of this kind should be regarded as mischievous, even by those who disapprove of the opinions sought to be stifled, inasmuch as they only tend more widely to diffuse the teaching objected to. To those on the other hand who desire its promulgation, it must be matter of congratulation that this, like all attempted persecutions of thinkers, will defeat its own object, and that truth, like a torch, "the more it's shook it shines."

As it seems to me that this book is neither obscene in its language, nor by its teaching incites people to obscenity, I am of opinion that the prohibition should go.

Mr. Justice Stephen concurred in the judgment given, and the conviction of Mr. W. W. Collins was therefore set aside.

We may fittingly conclude this chapter by reproducing from *The Malthusian* a note in which the writer briefly describes the character of Mr. Justice Windeyer :

"In early life I met Mr. Windeyer at his house at Tomago, on the Hunter River. His father, then dead, had been quite a notable man in the colony, as an able, intrepid, popular and high-minded politician; and young Windeyer seemed to be his father's son—frank, open, unaffected, and with a fine gentlemanly bearing. Since then, his career has quite fulfilled its early promise; and, for you, as a warm advocate of New-Malthusianism, the strength of support and encouragement lies, I think, very much in the fact that Justice Windeyer is not only a man of great legal ability but of high moral character."





## CHAPTER V.

## PRUDENTIAL CHECKS.

IF the validity of the Malthusian position be admitted, there is no logical escape from the conclusion that the knowledge of innocent means by which families may be limited should be conveyed to the people. Yet, with characteristic inconsistency, the public advocacy of Malthusianism in the abstract is regarded with approval, whilst the practical application of the principle is met with the parrot-cry of "obscenity," and menaced with penal infliction. In the Windeyer judgment it will be noted that the proceedings against Mr. Collins were based not upon those portions of Mrs. Besant's pamphlet in which the subject was philosophically discussed, but upon the passages in which the preventive checks were described. An eminent English statesman, Mr. John Morley, has insisted in a public speech upon the "vital importance" of the population question, and, he added, "I wish that we did not shirk it so much." A popular English clergyman, the Rev. H. R. Haweis, has declared in a popular weekly newspaper that the most important remedy for poverty is "to control the family growth, according to the family means of support." But when the social reformer passes from vague precept to direct instruction, he is confronted by an anomalous law which threatens him as a foe to public morality.

The tragical element in this otherwise ridiculous inconsistency lies in the fact that the knowledge of prudential checks is denied to the very class which most urgently needs such information. It is the *poor* alone who suffer acutely from the effects of over-population: it is they who feel the actual sting of want when the small wage is distributed over a large family-area. For the well-to-do there is no mystery concerning prudential checks. The family doctor will whisper discreetly into the ear of the wealthy matron whose quiver is sufficiently filled. Expensive medical works containing full instructions are at the command of those who can afford to buy them. Why should the poor be kept in ignorance upon a matter of supreme importance to them?

Upon the subject of prudential checks the medical profession as a body has afforded little or no assistance.

Here, as in many other matters, "doctors differ"; and no steps have as yet been taken to ascertain, by scientific investigation, the best method of preventing conception. The checks now to be described are of two kinds—first, those in which success depends upon *self-control*; and, second, those in which *mechanical appliances* are used.

# I.

The practice of withdrawal immediately before the act of coition is completed obtains very extensively in France. This, the most ancient of known methods, is referred to in the Bible (Genesis xxxviii. 8-9). The efficacy of the check depends, of course, entirely upon the self-control of the husband, and failure is therefore always possible. It may be mentioned that this plan has sometimes been objected to on the ground of supposed injury to health; but no evidence has been adduced in support of the objection. On the other hand, Dr. C. R. Drysdale has ascertained by personal enquiry that 100 members of the medical profession in Paris "had only 174 children in all their married lives, or not two as an average. . . . The question of the effect produced upon the health of the parents by the use of the physical check of Genesis xxxviii. was discussed at the meeting of the International Medical Congress at Amsterdam in 1879; and two medical men of great distinction—MM. Lutaud and Leblanc—asserted distinctly that these practices of family physical prudence in France were in no way productive of ill-health to either conjoint. And, as they were universally made use of by the medical men of Paris in limiting their own families, it was very unlikely that such damage to health as had been spoken of would not have been noted and clearly described long ago if it existed in nature."

Abstinence from intercourse during a certain period is said to be an effectual method of avoiding conception. This, however, rests upon the assumption that a female is more likely to conceive immediately before or after "menstruation" (the monthly flow). If connection do not take place within five days before, or eight days after, menstruation, the probability of pregnancy is *supposed to be diminished*.



## II.

Of the various *appliances* which have been devised for the prevention of conception, the simplest and most effectual is the "sheath" (commonly known as the "French Letter"). This an envelope of skin or very thin rubber, and is used by the husband. It completely covers the male organ, and, being closed at the extremity, prevents the semen from being discharged into the vagina. It is obvious that, if the sheath remain intact, it is impossible for conception to take place. The only danger to be guarded against is the breaking or perforation of the sheath, which should in all cases be carefully examined before use. The material may be tested by stretching it gently over the inside of the thumb, when the smallest fracture can be detected. *If sheaths of good quality (not necessarily expensive) be used, and reasonable care taken to avoid accidental breakage, this check is CERTAIN.*

The Enema Syringe is an instrument frequently employed for preventive purposes. A solution (composed of a teaspoonful of alum dissolved in a pint of cold or tepid water) is injected by the female immediately after connection. The vertical and reverse syringe is more likely to act efficiently than the ordinary enema.

A very simple and inexpensive method is the use of a small piece of fine sponge, soaked in warm water, and placed in such a position as to cover the mouth of the womb. The chances of failure are diminished by saturating the sponge with a solution of quinine.

Pessaries of various kinds are sometimes used to prevent conception. The simple pessary (of which there are several modifications) is a small dome-shaped appliance, made of thin rubber, and constructed to fit closely round the neck of the womb. If carefully adjusted and retained in position, the pessary may be relied upon.

Of late years a new form of pessary has been introduced and is stated to have been used with marked success. It consists of a small cone of cacao-butter, charged with quinine. The pessary is inserted a few minutes before connection takes place; the quinine, being liberated by the *dissolution* of the fatty substance, destroys the vitality of the seminal fluid.

# THE MALTHUSIAN LEAGUE.

(Founded in 1877.)

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## RULES.

### I.—NAME.

That this Society be called "The Malthusian League."

### II.—OBJECTS.

That the objects of this Society be:

1. To agitate for the abolition of all penalties on the public discussion of the Population Question, and to obtain such a statutory definition as shall render it impossible, in the future, to bring such discussions within the scope of the common law as a misdemeanor.

2. To spread among the people, by all practicable means, a knowledge of the law of population, of its consequences, and of its bearing upon human conduct and morals.

### III.—PRINCIPLES.

1. "That population has a constant tendency to increase beyond the means of subsistence."

2. That the checks which counteract this tendency are resolvable into positive or life-destroying, and prudential or birth-restricting.

3. That the positive or life-destroying checks comprehend the premature death of children, and adults by disease, starvation, war and infanticide.

4. That the prudential or birth-restricting check consists in the limitation of offspring by abstention from marriage, or by prudence after marriage.

5. That prolonged abstention from marriage—as advocated by Malthus—is productive of many diseases and of much sexual vice; early marriage, on the contrary, tends to ensure sexual purity, domestic comfort, social happiness, and individual health; but it is a grave social offence for men and women to bring into the world more children than they can adequately house, feed, clothe and educate.

6. That over-population is the most fruitful source of pauperism, ignorance, crime and disease.

7. That the full and open discussion of the Population Question is a matter of vital moment to society, and such discussion should be absolutely unfettered by fear of legal penalties.

#### IV.—EXECUTIVE.

1. That the officers of the League consist of a president, vice-presidents, council, treasurer, secretaries, solicitor and auditors.

2. That the government of the League be vested in a council, consisting of a president, vice-presidents, and secretary (by virtue of their respective offices), of twenty members who shall be elected annually at a general meeting, and of a duly-appointed representative from each branch of the League which may hereafter be formed.

3. That the council have power to appoint a treasurer and secretaries from amongst its own members; to elect a president, vice-presidents, and solicitor, subject to the approval of the next general meeting; to fill up vacancies in its own ranks, and to make the necessary bye-laws for carrying out these laws and for the general management of the League.

4. That all candidates for election as officers shall be nominated one month before the annual general meeting, and that such nomination shall be publicly announced, the form and manner to be determined by the council.

#### V.—MEMBERSHIP.

That the conditions of membership be an annual subscription of one shilling, which shall be taken to imply adhesion to the rules of the League; or an annual subscription of two shillings, which shall entitle the subscriber to receive the *Malthusian*. To constitute life membership, a single payment of one guinea.

#### VI.—GENERAL MEETINGS.

1. That a general meeting be held once a year, at such place and time as the council shall determine, at which meeting the presentation of the report and balance sheet and the election of officers shall take precedence of all other business.

2. That, on the receipt of a requisition signed by not less than twenty-five members, a special general meeting be, within one month, called by the council. No other business but that set forth on the notice calling the meeting shall be taken into consideration.

3. That the voting at all meetings be taken by show of hands, except when a poll is demanded, when the voting shall be taken by ballot.

#### VII.—EXPULSION.

That the council have power to expel any member, but the member so expelled shall have a right of appeal to the annual general meeting, or to a special general meeting called for that purpose.

#### VIII.—ALTERATION OF RULES.

That no alteration be made in these rules, except at an annual general meeting, by the vote of two-thirds of those present, two months' notice of the proposed alteration having been given to the council.



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